

REMARKS

In response to the final office action dated May 20, 2005, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Claims 44, 50, 55, and 60 have been allowed. Claims 1-9, 11-14, 16-19, 26, 33, 39-43, 45-49, 51-54, 56-59, and 61-62 have been rejected. Claims 10, 15, 20-25, 27-32, and 34-38 have been objected to by the Examiner.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-5, 11-14, 18-19, 26, 33, 39-41, 45, 52, 56-57, and 61-62

Claims 1-5, 11-14, 18-19, 26, 33, 39-41, 45, 52, 56-57, and 61-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al., U.S. Patent Number 6,448,564 (hereinafter "Johnson") in view of Anthony et al., U.S. Patent Number 6,479,427 (hereinafter "Anthony") for the reasons stated on pages 6-11 of the Office Action. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

In response to the Applicants' arguments that neither Johnson nor Anthony, alone or in combination disclose generating a review template; and that Applicants do not find generating a comment template if said review is required at Col. 5, lines 18-21 of Anthony, the Examiner has stated on page 4 of the Office Action that though the template disclosed by Anthony influences the crystal structure, examiner interprets the template to be available for other functionalities including comments or reviews. Applicants respectfully disagree with the Examiner.

Anthony discloses silico-titanates and the methods of making and using the said titanates, where the Tetrapropylammonium bromide (TPAB), tetrabutylammonium bromide (TBAB),

tetrapentylammonium bromide are elements that may be included in preparing the silico-titanates. Therefore, Col. 5, lines 18-21 of Anthony teaches that TPAB, TBAB, and tetrapentylammonium bromide are possible elements that may be added in preparing silico-titanates in order to influence crystal structure of the silico-titanates, but does not teach that those elements are used for reviewing the prepared silico-titanates. Accordingly, Applicants respectfully submit that Col. 5, lines 18-21 of Anthony neither teaches nor suggests the element "generating a review template", as recited in Claim 1. The element is not disclosed by Johnson as stated by the Examiner on page 7 of the Office Action. Therefore, neither Johnson nor Anthony, alone or in combination teaches or suggests all elements of Claim 1.

Col. 5, lines 18-21 of Anthony also fail to teach or suggest the element "generating a comment template if said review is required", as recited in Claim 3 for at least the reasons stated above. The element is not taught or suggested by Johnson. Therefore, neither Johnson nor Anthony, alone or in combination teach or suggest all elements of Claim 3.

In response to the Applicants' argument that Applicants do not find generating a requirements field including said predetermined parameter at Col. 19, lines 8-11 of Anthony, the Examiner has stated on page 4 of the Office Action that since "requirements fields" are not defined in the specification, the Examiner believes that Col. 5, lines 18-21 of Anthony is proper. Claim 4 discloses that the requirement field includes the predetermined parameter, and the paragraph [0027], lines 4-5 of the specification discloses determining whether an assay result is within a predetermined parameter. Therefore, the requirement field as recited in Claim 4 is the field including the predetermined parameter for testing the assay result. However, Col. 5, lines 18-21 discloses possible elements that may be included in preparing the silico-titanates, but does not teach or suggest the requirement field including the predetermined parameter for testing the assay result. Therefore, Col. 5, lines 18-21 of Anthony neither suggests nor teaches the elements "generating a requirement field including said predetermined parameter", as recited in Claim 4. The element is not disclosed by Johnson as stated by the Examiner on page 8 of the Office Action. Therefore, neither Johnson nor Anthony, alone or in combination teaches or suggests all elements of Claim 4.

Claims 45, 52, 56-57, and 61 are believed to be allowable for the reasons given for Claim 1. Additionally, Claims 2-5, 11-14, 18-19, 26, 33, and 39-41 depend from Claim 1, and thus these claims are believed to be allowable due to their dependency on Claim 1.

Claims 6-9 and 16-17

Claims 6-9 and 16-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Anthony and further in view of Caldwell et al., U.S. Patent Number 4,497,768 (hereinafter "Caldwell") for the reasons stated on pages 12-14 of the Office Action. Applicants submit that Caldwell does not cure the deficiency of Johnson in view of Anthony. Therefore, Claims 6-9 and 16-17 are patentable at least because they depend from Claim 1.

Claims 42-43, 53-54, and 58-59

Claims 42-43, 53-54, and 58-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Caldwell for the reasons stated on pages 14-16 of the Office Action.

As stated in Applicants' response dated February 22, 2005, neither Johnson nor Caldwell, alone or in combination teach or suggest all of the elements of Claim 42. In Claim 42, a relative error for a plutonium isotope based on an assay result is determined, and then it is determined if the relative error is not within a first predetermined parameter. In contrast, Col. 8, lines 1-12 of Caldwell teaches that the detector response is compared to a plutonium sample covered with an about 1.8mm thick cadmium cover (Curve a) and to one without such a cover (Curve b), and that it is seen that the delayed neutrons are only weakly affected by the cadmium. However, Caldwell does not teach or suggest determining if the delayed neutrons are within a predetermined parameter. Thus, Applicants respectfully submit that Caldwell fails to teach or suggest the element "determining whether a first review is required if said relative error is not within said first predetermined parameter", as recited in Claim 42. Therefore, Johnson or Caldwell, alone or in combination fails to teach or suggest all of the elements of Claim 42. For similar reasons, Applicants submit that Claims 53 and 58 are patentable over Johnson in view of Caldwell.

Regarding Claim 43, Applicants do not find "determining a total plutonium weight percent based on said assay result" at Col. 8, lines 1-12 of Caldwell as suggested by the Examiner. Therefore, Johnson and Caldwell, alone or in combination fail to teach or suggest all of the elements of Claim 43. For similar reasons, Applicants submit that Claims 54 and 59 are patentable over Johnson in view of Caldwell.

Claims 46-47 and 51

Claims 46-47 and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Anthony and further in view of Katoot, et al., US Patent Number 6,184,030 (hereinafter "Katoot") for the reasons stated on page 17 of the Office Action. Applicants submit that Claims 46-47 and 51 are patentable at least for the reasons that Claim 1 is patentable because Katoot does not cure the deficiencies of Johnson and Anthony with regards to generating a review template.

Claims 48-49

Claims 48-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Caldwell and further in view of Katoot. Applicants submit that Claim 48 is patentable for at least the reasons that Claim 42 is patentable because Katoot does not cure the deficiencies of Johnson and Caldwell discussed above in regard to Claim 42. In addition, Applicants submit that Claim 49 is patentable for at least the reasons that Claim 43 is patentable because Katoot does not cure the deficiencies of Johnson and Caldwell discussed above in regard to Claim 43.

Allowable Subject Matter

The Examiner has stated that Claims 44, 50, 55, and 60 are allowable over the prior art of record.

In addition, the Examiner has stated that Claims 10, 15, 20-25, 27-32, and 34-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the base claim and any intervening claims. Applicants submit that for at least the foregoing reasons, Claim 1 is allowable and therefore Claims 10, 15, 20-25, 27-32 and 34-38 which depend from Claim 1 are also allowable in their present form.

Conclusion

It is believed that the foregoing remarks fully comply with the Office Action and that Claims 1-62 are in condition for allowance. Accordingly, reconsideration and allowance is respectfully requested.

In the event the Examiner has any questions regarding this Amendment, Applicants' attorneys respectfully request the courtesy of a telephone conference.

In the event that there are any additional fees with respect to this Amendment, Applicants' attorneys respectfully request that such fees be withdrawn from Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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